

Appl. No. : 09/527,188
Amendment Dated : March 29, 2004
Reply to Office Action of : October 27, 2003

Atty. Docket No. 111283.131 US1

REMARKS

Summary and Status of the Claims

Please cancel claims 39-42 without prejudice or disclaimer, and add new claims 43-48. Claims 1-6, 10, 11, 13, 15-18, 20-25, 29, 30, 32, 34, 35, 37, and 38 have been amended. Upon entry of this Amendment, claims 1-38 and 43-48 will be pending in this application, of which claims 1, 20, and 43 are independent. Claims 1-42 were rejected in the Office Action mailed on October 27, 2003. Applicants request reconsideration.

35 U.S.C. §112 Rejections

Paragraph 2 of the Office Action rejected claims 1-7, 15, 18-19, 21-25, 34, and 37-38 under 35 U.S.C. §112, Second Paragraph, for failing to clearly point out an antecedent basis for the term “*server system*.” Applicants submit that the “*application server system*” provided in the claims is sufficient to provide an antecedent basis for the “*server system*.” However, a clarifying amendment to the claims has been made, explicitly reciting “*application server system*” where appropriate. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112 now be withdrawn.

35 U.S.C. §102(e) Rejections in View of Peterson

The Office Action rejected Applicants’ claims 1-8, 10-13, 15-27, 29-32, 34-40 and 42 under 35 U.S.C. §102(e) in view of Peterson (U.S. Pat. No. 6,502,137). Applicants respectfully traverse this rejection as explained below.

The Office Action alleges at paragraph 22 that Peterson discloses, inter alia, “*the target computer signaling the server system with a request for an application*” and “*the server system responding to the request by transferring an application descriptor to the target computer.*” The Office Action goes on to assert that Peterson discloses “*the application descriptor being read by a helper application executing on the target computer,*” and “*the helper application controlling the target computer to execute the application, which resides on the server system.*” Applicants respectfully disagree that Peterson provides a request for an application, an application descriptor, an application descriptor being read by a helper application, or a target computer that executes the application.

Peterson discloses using a streaming model to deliver video content to a viewer program executing on a client computer. In Peterson, the client makes a request for media content to a server. Peterson, Col. 1, Lines 22-23; Col. 3, Lines 55-65. The client is then provided with a passcode, which is used to allow the client to obtain streaming content from a server. Peterson, Col. 2, Lines 1-14. The passcode is invalidated after use, and the content is not provided to the client if the client fails to present a valid passcode. Peterson, Col. 2, Lines 15-29. Peterson does not teach or suggest a client controlling execution of an application program on the server.

Peterson is directed to downloading a media file (e.g. a movie) from a server, and then viewing that movie on a client using a media (movie) player application running on the client. In Peterson, *"The viewer helper application 127 is the application within the client computer 101 for permitting a user to view video received from video server 104."* Peterson, Col. 5, Lines 3-5. In other words, Peterson discloses an executable (player) application resident on the client that processes non-executable (movie) files served from the server. Peterson does not disclose receiving executable software application programs or executable application program elements from an application server system. Peterson does not disclose that the helper application be used to control the target computer to execute received executable application program code.

Regarding Applicants' Claim 1, the claim now more clearly defines that which is being served as an *"executable application program."* Peterson does not teach or suggest a server that serves application programs. Also, the claim recites that *"the application descriptor being read by a helper application executing on the target computer; and the helper application controlling the target computer to execute the executable application program, which resides on the application server system."* Peterson does not teach or suggest the claimed application descriptor nor does it teach or suggest the application descriptor being read by the helper application to control the target computer to execute the executable application program received from the server. Therefore, amended Claim 1 patentably distinguishes over Peterson, and the rejection should be withdrawn.

The dependent claims have been likewise amended where appropriate to clarify that it is an executable application program being served by the application server system and that is being executed on the target computer using the helper application to control the target computer to execute the executable application program. Therefore, all claims depending from amended

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independent Claim 1 are considered patentable for at least the same reasons as Claim 1, and include additional reasons for patentability.

Amended Claim 20 likewise recites that the target computer requests an “*executable application program*” from the “*application server system*,” the helper process of Claim 20 “*executing on the target computer that reads the application descriptor and controls the target computer to execute the executable application program, which at least partially resides on the application server system.*” Peterson does not teach or suggest the claimed application server, helper, and execution of the application program on the target computer, as explained above in regard to Claim 1. Therefore, Claim 20 and all claims depending therefrom patentably distinguish over Peterson for at least the same reasons.

Newly presented Claim 43 recites, inter alia, that the target computer sends a request for an “*executable software application program*” from the “*application server system*,” “*receiving an application descriptor...corresponding to the executable software application program*,” “*executing a helper application...using the information in the application descriptor and identifying executable application program elements used by the target computer to run the executable software application program*; *receiving the executable application program elements from the application server system*; and *executing the executable software application program on the target computer using the received executable application program elements.*” Peterson does not teach or suggest the claimed method for receiving executable application program elements to execute the executable software application program on the target computer using the helper application. Therefore, Claim 43 and the claims depending therefrom patentably distinguish over Peterson, and should be allowed.

Regarding the rejection under 35 U.S.C. §103(a) provided at paragraph 24 of the Office Action, Applicants respectfully traverse the rejection. The Peterson reference was used in combination with deHond (U.S. Pat. No. 6,002,853) to presumably provide an advertisement display capability in conjunction with the other elements of the invention. Applicants disagree with the foundation for the rejection as discussed above with regard to the Peterson reference. Furthermore, the rejection is limited to dependent Claims 9, 14, 28, 33, and 41. Therefore, Applicants maintain the claims are patentable regardless of the propriety of the proposed

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combination because the basis independent claims 1 and 20 are themselves patentably distinct, as provided earlier.

Regarding the Official Draftsperson's Objections to the Drawings

Applicants note the objection to the drawings provided with the Office Action. Applicants draw the Official Draftsperson and the Examiner's attention to the fact that corrected drawings *were* previously provided in this case in a filing dated June 1, 2000. Nevertheless, to advance prosecution of the case, Applicants are enclosing herewith, and forwarding to the attention of the Official Draftsperson, another copy of said corrected drawings, along with a copy of the papers indicating earlier filing.

CONCLUSION

To further the prosecution of the application, Applicants have presented clarifying amendments to the pending claims, cancelled some claims, and introduced others. An early and favorable examination of the now-pending claims is earnestly solicited. If any questions arise in processing or examination of this application, the Examiner is requested to contact Applicants' representatives at the address and telephone number provided below.

Applicants hereby request that the period for responding to the outstanding Office Action be extended for two months' time. The Commissioner is hereby authorized to charge the required fee of \$210.00 for filing the request for extension of time to our Deposit Account No. 08-0219.

The Commissioner is also hereby authorized to charge the required fee of \$54.00 for six additional claims.

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No other fees are believed to be due with this response. However, please charge any fees that may be due or credit any overpayment in connection with this paper to Deposit Account No. 08-0219.

Respectfully submitted,

For Applicants,

Date: March 29, 2004

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